

46 Am. Jur. 2d Judges § 64

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Judges

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VIII. Liabilities

A. Civil Liability

1. In General

§ 64. Effect of bad faith or wrongful conduct on application of rule of absolute judicial immunity

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  35 to 37

Absolute immunity generally applies to all acts committed within the scope of a public office.¹ Even grave procedural errors or acts taken when no statute purports to confer on the court the authority purportedly exercised will not deprive a judge of absolute judicial immunity.² Judges are not deprived of immunity from a suit for money damages merely because of allegations that they committed grave procedural errors³ or acted maliciously,⁴ corruptly,⁵ or with evil motive, intent,⁶ personal interest,⁷ bad faith,⁸ or outright malevolence.⁹ Since absolute immunity is justified and defined by the governmental functions it protects and serves, not by the motives with which a particular officer performs those functions,¹⁰ it is a judge's actions alone, not intent that must be considered;¹¹ state of mind is not a necessary element¹² and judicial immunity applies, however injurious the consequences to the plaintiff.¹³

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Footnotes

- ¹ [Am. Jur. 2d, Public Officers and Employees § 307.](#)
- ² [Bright v. Gallia County, Ohio, 753 F.3d 639 \(6th Cir. 2014\), cert. denied, 135 S. Ct. 1561, 191 L. Ed. 2d 663 \(2015\).](#)
- ³ [Mireles v. Waco, 502 U.S. 9, 112 S. Ct. 286, 116 L. Ed. 2d 9 \(1991\); Malina v. Gonzales, 994 F.2d 1121 \(5th Cir. 1993\); In re Luna, 152 B.R. 11 \(Bankr. D. Mass. 1993\).](#)
- ⁴ [Mireles v. Waco, 502 U.S. 9, 112 S. Ct. 286, 116 L. Ed. 2d 9 \(1991\); Beepot v. J.P. Morgan Chase Nat. Corporate Services, Inc., 57 F. Supp. 3d 1358 \(M.D. Fla. 2014\), aff'd, 626 Fed. Appx. 935 \(11th Cir. 2015\);](#)

5 B.J.S. v. State Educ. Department/University of New York, 699 F. Supp. 2d 586, 258 Ed. Law Rep. 140 (W.D. N.Y. 2010).

6 B.J.S. v. State Educ. Department/University of New York, 699 F. Supp. 2d 586, 258 Ed. Law Rep. 140 (W.D. N.Y. 2010); Stephens v. Herring, 827 F. Supp. 359 (E.D. Va. 1993).

7 JNC Companies v. Ollason, 137 B.R. 46 (D. Ariz. 1991), *aff'd*, 996 F.2d 1225 (9th Cir. 1993); Meyer v. Foti, 720 F. Supp. 1234 (E.D. La. 1989).

8 Brummett v. Camble, 946 F.2d 1178 (5th Cir. 1991).

9 Mireles v. Waco, 502 U.S. 9, 112 S. Ct. 286, 116 L. Ed. 2d 9 (1991); Mireles v. Waco, 502 U.S. 9, 112 S. Ct. 286, 116 L. Ed. 2d 9 (1991); Malina v. Gonzales, 994 F.2d 1121 (5th Cir. 1993).

10 Brummett v. Camble, 946 F.2d 1178 (5th Cir. 1991).

11 Brummett v. Camble, 946 F.2d 1178 (5th Cir. 1991).

12 Malina v. Gonzales, 994 F.2d 1121 (5th Cir. 1993).

13 JNC Companies v. Ollason, 137 B.R. 46 (D. Ariz. 1991), *aff'd*, 996 F.2d 1225 (9th Cir. 1993).

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